

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 11, 12 and 26 are amended. Claims 11-30 are pending.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejection under 35 U.S.C. § 102

In the Office Action, at page 4, numbered paragraph 4, claims 26-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,113,745 to Khayrallah. This rejection is respectfully traversed because Khayrallah does not discuss or suggest:

an analyzing device to analyze said data with regard to its reception quality and produce a reception result; and
a transmitting device to selectively forward the data to the receiving station, depending on directly receiving the reception result of the analyzing device,

as recited in amended independent claim 26.

Khayrallah discusses that the intermediate units 30, 40 transmit information between the transmitting unit 20 and the receiving unit 50. However, Khayrallah does not discuss or suggest that a transmitting device of a relay station selectively forwards data to the receiving station 50 depending on directly receiving the reception result of analyzed data. The transmitting unit 20 in Khayrallah is not a transmitting unit of a relay station. The intermediate units 30, 40 are the only devices that can be construed to be relay stations. The intermediate units 30, 40 do not

directly receive a reception result of analyzed data, as the intermediate units 30, 40 are the units that analyze the data. Therefore, the intermediate units 30, 40 are not able to selectively forward the data to the receiving unit 50 depending on directly receiving the reception result of an analyzed device. In Khayrallah, the intermediate units 30, 40 evaluate the respective received signals and send information about the received signals to the transmit unit 20 on a reverse channel. The transmit unit 20 then compensates if needed based on the information provided from the intermediate units 30, 40. However, the intermediate units 30, 40 do not include a transmitting device that selectively forwards data to the receiving unit 50, depending on directly receiving the reception result of an analyzing device.

Therefore, as Khayrallah does not discuss or suggest “an analyzing device to analyze said data with regard to its reception quality and produce a reception result; and a transmitting device to selectively forward the data to the receiving station, depending on directly receiving the reception result of the analyzing device,” as recited in amended independent claim 26, claim 26 patentably distinguishes over the reference relied upon.

Claims 27-30 depend either directly or indirectly from independent claim 26 and include all the features of claim 26, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 27 recites that “the data is transmitted in parallel to a plurality of relay stations, and the relay station forwards the data only if its data reception is superior to that of other relay stations.” Therefore, claims 27-30 patentably distinguish over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

II. Rejection under 35 U.S.C. § 103

In the Office Action, at page 6, numbered paragraph 5, claims 11-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Khayrallah in view of U.S. Patent No. 6,728,918 to Ikeda et al. This rejection is respectfully traversed because the combination of the teachings of Khayrallah and Ikeda does not suggest:

generating requests for retransmission if it is determined that the received data is not sufficiently free of errors, the requests for retransmission being generated only at the receiving station;

transmitting the requests for retransmission from the receiving station through at least one of the relay stations; and

retransmitting the data from the transmitting station if a request for retransmission is received through the at least one relay station from the receiving station,

as recited in amended independent claim 11.

In Khayrallah, the relay station does not transmit a second time (i.e., a retransmission). Khayrallah uses the term “retransmit” to describe the transmission by the intermediate units 30, 40, but Khayrallah does not transmit a second time, particularly as triggered by a request.

Khayrallah also does not discuss that a retransmission request is generated at the receiving unit 50. The Examiner alleges that Khayrallah discusses that retransmission is being generated only for the receiving station 50. However, claim 26 recites that the requests for retransmission are generated only at the receiving station. Khayrallah does not suggest that the receiving unit 50 is the only unit that generates the retransmission requests.

In Khayrallah, the intermediate units 30, 40 merely pass on the received signals, but Khayrallah does not suggest that the intermediate units 30, 40 retransmit data from the transmitting unit 20 if a request for retransmission is received from the receiving unit 50. The information send on the reverse channel is used for power control and is not used for a second transmission of the same data that was originally transmitted.

The Examiner concedes that Khayrallah does not teach the request for retransmission, but alleges that Ikeda makes up for the deficiencies in Khayrallah. The Applicants respectfully disagree.

Ikeda discusses a relay transmitter that includes a transmission part for transmitting a retransmission request received at the relay transmitter. When the transmitter only the reception side fails to receive every data frame transmitted by the transmitter on the transmission side, the transmitter on the reception side transmits the retransmission request and, responding thereto, the transmitter on the transmission side sequentially retransmits the data frame to the transmitter on the reception side.

However, combining Ikeda with the system of Khayrallah does not suggest transmitting a request for retransmission through the intermediate units 30, 40 of Khayrallah because the intermediate units 30, 40 have already sent information about the received signals to the transmit unit 20 on a reverse channel before the receiving unit 50 receives the signals. Thus, there would be no reason to require transmission of a request for retransmission through the intermediate units 30, 40 of Khayrallah, the request for retransmission coming from a receive unit, as the transmit unit 20 in Khayrallah has already received such a request.

Further, the cited motivation does not suggest how one of ordinary skill in the art would have been led to cause the requests for retransmission to be sent through the intermediate units

30, 40 of Khayrallah, as the cited motivation relates only to why one would send a request for retransmission that is separate from an initial transmission request. The cited motivation does not particularly clarify how one of ordinary skill in the art would have been led to transmit a request for retransmission from a receive unit through intermediate relay stations so that data would be retransmitted from the transmitting station if a request for retransmission is received through the relay station.

Therefore, as the combination of the teachings of Khayrallah and Ikeda does not suggest "generating requests for retransmission if it is determined that the received data is not sufficiently free of errors, the requests for retransmission being generated only at the receiving station; transmitting the requests for retransmission from the receiving station through at least one of the relay stations; and retransmitting the data from the transmitting station if a request for retransmission is received through the at least one relay station from the receiving station," as recited in amended independent claim 11, claim 11 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Further, the combination of the teachings of Khayrallah and Ikeda does not suggest "acknowledging receipt of the data with an acknowledgement by the data-receiving station; transmitting requests for retransmission from the data-receiving station through at least one of the relay stations; and retransmitting the data in the event of unsuccessful transmission of the data, when the acknowledgement is not received, retransmission of the data being controlled only by the transmitting station," as recited in amended independent claim 12. Therefore, claim 12 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

Claims 13-15 depend either directly or indirectly from independent claim 11 and include all the features of claim 11, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 13 recites that "at least one of the relay stations checks the data received from the transmitting station with regard to reception quality, if the reception quality does not meet a determined level of quality of the received data, the relay station does not forward said data to the receiving station, and if the reception quality meets the determined level of quality of the received data, the relay station does forward said data to the receiving station." Therefore, claims 13-15 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claims 11, 12 and 26 have been amended. Claims 1-10 were previously cancelled. Claims 11-30 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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